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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,314	11/13/2001	Paul F. Nugent JR.	9868.00	5408

7590 05/12/2003

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EXAMINER

PAIK, STEVE S

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/054,314

Applicant(s)

NUGENT, PAUL F.

Examiner

Steven S. Paik

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed February 12, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. (US 6,369,709) in view of Baitz et al. (USP 5,412,191, hereinafter Baitz).

Regarding claims 1-8, Larson et al. disclose a checkout system (10 in Figs. 1 and 3) and a method of using the system. The system and method comprise a checkout counter (cradle 14), a computer (microprocessor 60 and see column 7, lines 27+) with the checkout counter, a barcode reader (18 in Fig. 1 and col. 4, ll. 66-67) coupled to the computer (Fig. 1) for reading a barcode label (16 and col. 5, ll. 52-53) on an item (16 and col. 4, ll. 55-60) and a security system (a controller, see col. 2, ll. 13+ and col. 3, ll. 42-45) separate from (see Fig. 1) and adjacent to the barcode reader (18) and coupled to the computer and activated by the barcode reader (col. 3, ll. 33-35) following reading of the barcode label which includes a field generator (24, col. 5, ll. 34-45) for deactivating a security label (security marker) on the item (a circulating item), and a sensor (20 and 22) sensing placement of the item within range of the field generator (col. 5, ll. 42-45 and col. 5, ll. 55-64). Larson et al. further discloses a display (28 and col. 6, ll. 4-9) initiated by the security system (controller and col. 2, ll. 37-40) showing a message following the

reading of the barcode label instructing an operator (a library patron) to place the item within a deactivation range of the filed generator (24) until the sensor (20 and 22) senses the placement.

Although Larson et al. discloses a checkout system including a computer, a barcode reader, and a security system, he fails to disclose a pop-up housing vertically movable between the self-service checkout operation and the assisted-service checkout operation.

Baitz discloses a service desk such as a check-in or check-out system with self-service mode and assisted-service mode comprising, among other things, at least one reader (26) for machine-readable data and a movable pop-up housing display unit (28, col. 1, ll. 62-67 and col. 2, ll. 1-3). The display unit allows the user (operator/customer) to receive appropriate instructions according to a desired task (col. 5, line 67). It is encased in a housing (128 in Figs. 3 and 4) which can be raised above the front side (118, see Fig. 4) or be essentially parallel or perpendicular (vertically movable) to the front side for the purpose of allowing user the maximum flexibility and increased convenience with the display unit (col. 6, ll. 48-52).

In view of Baitz's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a vertically movable display unit aiding its user with corresponding message or instructions to perform a desired function in addition to the check-out system of Larson et al. due to the fact that more efficient communications can be exchanged between an operator and a user for the purposes of saving time, reducing the possibility of making unnecessary mistake while completing a transaction. Furthermore, such modification of employing a vertically movable display unit of Baitz to the teachings of Larson et al. would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 and newly added claims 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

35 U.S.C. § 103 Rejection:

Applicant argues that Kaltner teaches a checkout system which combines a security label sensing and deactivation system into a barcode reader. In order to distinguish the present invention from the cited reference, claims have been amended to include a limitation of a security system being separate from and adjacent to the barcode reader and the security system initiating display of a message following the reading of the barcode label.

In response to the argument and amendment, the examiner has applied Larson et al. reference (US 6,369,709) in view of Baitz et al. (US 5,412,191) to fully show the amended items.

Accordingly, the claims 1-6 and newly added claims 7 and 8 are rejected for the reasons discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 703-308-6190. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

Steven Paik

Steven S. Paik
Examiner
Art Unit 2876

ssp
May 6, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800